

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE: Daniel A. Fryza a/k/a Daniel Fryza,
d/b/a Daniel Anthony Fryza; Katherine
Revelas a/k/a Katherine Revelas-Fryza

Debtor(s),

Chapter 13

Case No. 14-44618

Judge Donald R. Cassling

NOTICE OF MOTION

TO: SEE ATTACHED ADDRESSES

PLEASE TAKE NOTICE THAT ON April 1, 2016 at 9:30 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Donald R. Cassling, U.S. Bankruptcy Judge, Kane County Courthouse, in Room 240, 100 South 3rd Street, Geneva Illinois and shall then and there present the attached Motion and at which you may appear if you so desire.

CERTIFICATION

I, the undersigned Attorney, Certify that I served a copy of this Notice to the Addresses attached by electronic notice through ECF or by depositing the same at the U.S. Mail at 1 North Dearborn, Chicago, Illinois 60602 at 5:00 P.M. on March 17, 2016, with proper postage prepaid.

Pierce & Associates, P.C.

*THESE DOCUMENTS ARE AN
ATTEMPT TO COLLECT A DEBT AND
ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE*

/s/ Dana O'Brien
Dana O'Brien
ARDC# 6256415
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

NOTICE OF MOTION ADDRESSES

To Trustee:

Glenn B. Stearns
801 Warrenville Rd
Suite 650
Lisle, IL 60532

by Electronic Notice through ECF

To Debtor:

Daniel A. Fryza and Katherine Revelas
1236 Teasel Ln.
Naperville, IL 60564

by U.S. Mail

To Attorney:

Paul M. Bach
900 Jorie Boulevard Suite 150
Oak Brook, IL 60523

by Electronic Notice through ECF

Pierce & Associates, P.C.
Attorney For: Creditor
1 N. Dearborn St. Suite 1300
Chicago, IL 60602
(312) 346-9088

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MOTION TO MODIFY THE AUTOMATIC STAY

NOW COMES PNC Bank, National Association, by and through its attorneys, Pierce & Associates, P.C., and requests that the Automatic Stay heretofore entered on the property located at 1236 Teasel Ln., Naperville, IL 60564, be Modified, stating as follows:

1. On December 16, 2014, the above captioned Chapter 13 was filed.
2. The above captioned Chapter 13 is not confirmed.
3. PNC Bank, National Association services the first mortgage lien on the property located at 1236 Teasel Ln., Naperville, IL 60564.
4. The Plan calls for the debtor to be the disbursing agent for the post-petition mortgage payments directly to PNC Bank, National Association. Post-petition payments are \$2,266.54.
5. The post-petition mortgage payments are due and owing for December 2015. The default to PNC Bank, National Association is approximately \$9,874.67 through March 2016, including attorney's fees and costs of this motion.
6. The plan is in material default.
7. PNC Bank, National Association continues to be injured each day it remains bound by the Automatic Stay.

8. PNC Bank, National Association is not adequately protected.
9. The property located at 1236 Teasel Ln., Naperville, IL 60564 is not necessary for the debtor's reorganization.
10. The debtor has no equity in the property for the benefit of unsecured creditors.
11. No cause exists to delay the enforcement and implementation of relief and Bankruptcy Rule 4001(a)(3) should be waived.

WHEREFORE, YOUR MOVANT respectfully prays that the Automatic Stay on the property located at 1236 Teasel Ln., Naperville, IL 60564, be modified, and that Bankruptcy Rule 4001(a)(3) be waived as not applicable, and leave be granted to PNC Bank, National Association to proceed with foreclosure, and for such other and further relief as this Honorable Court deems just.

PNC Bank, National Association

/s/Dana O'Brien
Dana O'Brien
ARDC#6256415

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1 N. Dearborn St. Suite 1300
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